

## NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL  
TUESDAY, JUNE 2, 2009  
COUNCIL CHAMBERS and WEST CONFERENCE ROOM  
456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA**

<b>5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)</b>
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City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
  - a. **Closed Session pursuant to Government Code Section 54956.9(a):  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.  
Name of case: Randall Gilbert vs. City of Sunnyvale, Santa Clara County Superior  
Court Case No.1-03-CV-004823; Appellate Case No. H027237**
4. Adjourn Special Meeting

<b>6:30 P.M. SPECIAL COUNCIL MEETING (Study Session)</b>
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City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Study Session Presentation: **Local Agency Formation Commission (LAFCO) and Sunnyvale City Limits**
  - a. Introduction by Councilmember John Howe
  - b. Discussion by Councilmembers
4. Public Comments
5. Adjourn Study Session

<b>7 P.M. COUNCIL MEETING</b>
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*Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.*

*Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.*

**CALL TO ORDER**

**SALUTE TO THE FLAG**

**ROLL CALL**

**CLOSED SESSION REPORT FOR MAY 19, 2009**

*Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator*

Property: Sunnyvale Town Center

Negotiating Parties: Gary Luebbbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC

Under Negotiation: Terms of ARDDOPA

**CLOSED SESSION REPORT FOR MAY 26, 2009**

*Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator*

Property: Sunnyvale Town Center

Negotiating Parties: Gary Luebbbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC

Under Negotiation: Terms of ARDDOPA

**CLOSED SESSION REPORT FOR JUNE 2, 2009**

*Closed Session pursuant to Government Code Section 54956.9(a): – Conference with Legal Counsel, Existing Litigation.*

Name of case: Randall Gilbert vs. City of Sunnyvale, Santa Clara County Superior Court Case No.1-03-CV-004823; Appellate Case No. H027237

**SPECIAL ORDER OF THE DAY** – Community Partnership Recognition: The International Culinary School at the Art Institute of California – Sunnyvale

**PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

**CONSENT CALENDAR**

- 1.A. MOTION Approval of Council Meeting Minutes of April 28, 2009
- 1.B. MOTION Approval of Council Meeting Minutes of May 18, 2009
- 1.C. MOTION Approval of Information/Action Items – Council Directions to Staff

**Fiscal Items**

- 1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager - List  
RTC 09-141 No. 453 & 454

Staff Recommendation: Council review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7385

- 1.E MOTION Authorization to Allocate FY 2008/09 State Public Library Foundation  
RTC 09-134 Monies, and Approve Budget Modification No. 33

Staff Recommendation: Approve Budget Modification No. 33 in the amount of \$46,830 and the expenditure of State Public Library Funds for use in the following special project category: Improvements to Library Services.

Staff Contact: Lisa G. Rosenblum, (408) 730-7315

### **Contracts**

- 1.F MOTION Authorization to Modify Two Existing Contracts for Vehicle Fuel (F0805-  
RTC 09-131 73)

Staff Recommendation: Authorize modification of existing contracts with SC Fuels and Petro-Diamond, by extending the contract end date to January 31, 2010 and increasing the not-to-exceed amount by \$385,000 for the purchase of fuel for City vehicles.

Staff Contact: Staff Contact: Pete Gonda, (408) 730-7418

- 1.G MOTION Award of Bid No. F0804-61 for Asphaltic Materials for the Department of  
RTC 09-144 Public Works Pavement Operations Program

Staff Recommendation: Award a one-year contract for asphaltic materials on an "as needed" basis to Reed and Graham, Inc., of San Jose in substantially the same form as the attached draft Purchase Order.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.H MOTION Amendment of Outside Counsel Agreement for Insurance Recovery for  
RTC 09-136 Costs Related to Environmental Remediation of the Sunnyvale Town Center

Staff Recommendation: Council Approve Amendment to Outside Counsel Agreement to increase amount not to exceed to \$250,000

Staff Contact: David Kahn, (408) 730-7464

- 1.I MOTION Authorization to Modify an Existing Contract for Design Services for the  
RTC 09-148 Tasman/Fair Oaks Streetscape and Sense of Place Project (F0805-83)

Staff Recommendation: Council modify an existing contract with Kimley-Horn Associates, Inc., in substantially the same form as the attached Amendment to Consultant Services Agreement, by increasing contract expenditures by \$31,000, the total not to exceed \$283,492.

Staff Contact: Pete Gonda, (408) 730-7385

### **Other**

- 1.J RESOLUTION Fair Oaks Avenue Underground Utility District, Phase II – Setting Date  
RTC 09-138 for Public Hearing on June 23, 2009

Staff Recommendation: Alternative No. 1: Approve the Resolution of Intent to create an Underground Utility District that sets a date of June 23, 2009 for public hearing.

Staff Contact: Mark Rogge, (408) 730-7426

- 1.K MOTION Norman Drive Traffic Calming Plan – Approval of Permanent  
RTC 09-139 Installation

Staff Recommendation: Alternative No. 1: Approve the permanent installation of the Traffic Calming Plan consisting of the following elements:

- Establish shoulder striping along Norman Drive using thermoplastic;
- Replace the existing temporary traffic circle with a smaller hardscaped traffic circle and raise and hardscape the northeast and southeast corners of the intersection of Elizabeth Way/Norman Drive

Staff Contact: Heba El-Guendy, (408) 730-2713

- 1.L RESOLUTION Resolution of Intention to Levy and Collect Assessment for the  
RTC 09-147 Downtown Parking Maintenance District for Fiscal Year (FY) 2009-2010 and for each fiscal year thereafter; Approval of the Preliminary Engineer's Report; Authorize the Mailing of Proposed Assessment Ballots; and Set a Public Hearing for July 28, 2009.

Staff Recommendation: Take the following four actions to give the City the necessary authority to levy and collect the assessment for public parking facilities from property owners within the District for FY 2009-2010, and for each fiscal year thereafter:

- Adopt a Resolution of Intention
- Approve the Preliminary Engineer's report
- Set the July 28, 2009 Council meeting as the required public hearing
- Authorize mailing of Notice of Proposed Assessment and ballots

Staff Contact: Judy Chu, (408) 730-7413

- 1.M MOTION FY 2008/2009 Department of Employment Development Expenditure  
RTC 09-145 and Revenue Update and Approval of Budget Modification No. 37

Staff Recommendation: Alternative No. 1: Approve Budget Modification No. 37. This action would bring the anticipated expenditures for the Department of Employment Development into alignment with anticipated funding resources for FY 2008/2009.

Staff Contact: Kris Stadelman, 408-730-7233

- 1.N MOTION FY 2008/2009 Department of Employment Development Approval of  
RTC 09-142 Budget Modification No. 38 to Incorporate Recovery Act Funding

Staff Recommendation: Alternative No. 1: Approve Budget Modification No. 38. This action would bring the anticipated expenditures for the Department of Employment Development into alignment with funding resources for FY 2008/2009, to incorporate ARRA funding.

Staff Contact: Kris Stadelman, 408-730-7233

**STAFF RESPONSES TO  
PRIOR PUBLIC  
COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.*

**PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.*

**PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION                      Public Hearing – Annual Review of Fees and Charges for FY 2009/2010  
RTC 09-140

Staff Recommendation: Hold a public hearing to meet the requirements of the City Charter and the California Government Code. Council should provide direction to staff on any fee requiring further review prior to the budget adoption on June 23, 2009.

Staff Contact: Therese Balbo, (408) 730-7604

3. RESOLUTION              Adoption of Proposed Fiscal Year 2009/2010 Rates for Water,  
RTC 09-135                  Wastewater and Solid Waste Utilities

Staff Recommendation: Approve Alternative 1, to adopt the attached resolution increasing water rates by 8%, wastewater rates by 7.5%, and solid waste rates by 5.5% for FY 2009/2010.

Staff Contact: Tim Kirby, (408) 730-2712

4. MOTION                      Annual Public Hearing on FY 2009/2010 Budget and Resource Allocation  
RTC 09-146                  Plan and Establishment of Appropriations Limit

Staff Recommendation: Hold a Public Hearing to meet the legal requirements of the City Charter, the *California Constitution*, and the California Government Code. Council should provide direction to staff on any issue requiring further review prior to the budget adoption on June 23, 2009.

Staff Contact: Drew Corbett, (408) 730-7603

5. ORDINANCE              Ordinance Designating Preferential Parking Zone on Alturas Avenue  
RTC 09-128

Staff Recommendation: Alternative No. 1: Make the proposed findings and adopt the proposed ordinance designating Alturas Avenue as a Preferential Parking Zone.

Staff Contact: Jack Witthaus, (408) 730-7330

6. ORDINANCE Ordinance Designating Certain Streets in the Area of the Caltrain Station  
RTC 09-133 as Preferential Parking Zones

Staff Recommendation: Alternative No. 1: Council Adopt the proposed ordinance designating Charles Street, Hendy Avenue, Frances Street, Taaffe Street, Angel Avenue, Beemer Avenue, Murphy Avenue, Washington Avenue, Waverly Street, and Florence Street as preferential parking zones.

Staff Contact: Jack Witthaus, (408) 730-7330

7. ORDINANCE Introduction of Ordinance Amending Sections of Chapter 10.56 of the  
RTC 09-137 Municipal Code Pertaining to Bicycles in Order to Conform to California's  
Vehicle Code

Staff Recommendation: Approve the proposed Bicycle Code revisions in their entirety and as submitted.

Staff Contact: Nicole Clemens, (408)730-7464

### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

#### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

#### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Draft Heritage Preservation Commission meeting minutes of May 6, 2009
- Draft Board of Library Trustees meeting minutes of May 4, 2009
- Draft Board of Library Trustees meeting minutes of May 18, 2009

#### **ADJOURNMENT**

**Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

## **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

### **Public Announcement – Beginning of Council Meeting**

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

### **Public Hearing – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

### **Planning a presentation for a City Council/Planning Commission meeting?**

To assist you in utilizing the technology available in the Council Chambers, the publication “*How to Make Your Council Chambers Presentation More Effective*” may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City’s Web site at <http://sunnyvale.ca.gov>.

### **Planning to present materials to Council?**

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.



### **SCHEDULED COUNCIL MEETINGS**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
June 02, 2009	Council Meeting	7 p.m.	Council Chambers
June 09, 2009	Council Meeting	7 p.m.	Council Chambers
June 23, 2009	Council Meeting	7 p.m.	Council Chambers
July 14, 2009	Council Meeting	7 p.m.	Council Chambers
July 28, 2009	Council Meeting	7 p.m.	Council Chambers

### **OTHER SCHEDULED MEETINGS**

June 1, 2009	Board of Library Trustees	7 p.m.	Council Chambers
June 8, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
June 8, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
June 8, 2009	Administrative Hearing	2 p.m.	West Conference Rm
June 10, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
June 15, 2009	Personnel Board	5 p.m.	Council Chambers
June 17, 2009	Arts Commission	7 p.m.	Council Chambers
June 18, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
June 22, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
June 22, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
June 24, 2009	Administrative Hearing	2 p.m.	West Conference Rm
June 24, 2009	Housing & Human Services Commission	7 p.m.	West Conference Rm
July 1, 2009	Heritage Preservation Commission	7 p.m.	West Conference Rm
July 6, 2009	Board of Library Trustees	7 p.m.	Library Program Rm
July 8, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
July 15, 2009	Arts Commission	7 p.m.	Council Chambers
July 22, 2009	NOVA Workforce Board Meeting	Noon	NOVA Board Room

### **CHANNEL 15 – KSUN**

For a complete schedule of KSUN-15 broadcasts, visit [KSUN.inSunnyvale.com](http://KSUN.inSunnyvale.com)

June 02, 2009	City Council Meeting - Live	7 p.m.
June 03, 2009	City Council Meeting - Replay of June 02, 2009	7 p.m.
June 07, 2009	City Council Meeting - Replay of June 02, 2009	4 p.m.
June 09, 2009	City Council Meeting - Live	7 p.m.
June 10, 2009	City Council Meeting - Replay of June 09, 2009	7 p.m.
June 14, 2009	City Council Meeting - Replay of June 09, 2009	4 p.m.
June 23, 2009	City Council Meeting - Live	7 p.m.
June 24, 2009	City Council Meeting - Replay of June 23, 2009	7 p.m.
June 28, 2009	City Council Meeting - Replay of June 23, 2009	4 p.m.
July 14, 2009	City Council Meeting - Live	7 p.m.
July 15, 2009	City Council Meeting - Replay of July 14, 2009	7 p.m.
July 19, 2009	City Council Meeting - Replay of July 14, 2009	4 p.m.